

GEORGE R. ARIYOSHI
GOVERNOR



FILED/ACCEPTED

APR 26 2010

Federal Communications Commission
Office of the Secretary

STATE OF HAWAII
PUBLIC UTILITIES COMMISSION
DEPARTMENT OF BUDGET AND FINANCE
1164 Bishop Street, Suite 911
Honolulu, Hawaii 96813

January 24, 1985

WC 10-101
DOCKET FILE COPY ORIGINAL

JENSEN S. L. HEE
DIRECTOR OF BUDGET & FINANCE

ALBERT Q. Y. TOM
CHAIRMAN

CLYDE S. DUPONT
COMMISSIONER

SUNAO KIDD
COMMISSIONER

RECEIVED

JAN 29 1985

ENFORCEMENT DIVISION

Ms. Margaret Wood
Legal Counsel
Federal Communications Commission
Room 6206
1919 M. Street, N.W.
Washington, D.C. 20554

Dear Ms. Wood:

Re: Pole Attachment Certification


This is in reference to the correspondence of Mr. James B. Mullins dated January 2, 1985 concerning the above subject matter pursuant to the Cable Communications Policy Act of 1984.

Earlier certification by the Hawaii Public Utilities Commission should be amended to reflect that the HPUC has authority to prescribe pole attachment rates, terms and conditions for electric and telephone utilities subject to its jurisdiction. The economic regulation of cable television companies are subject to the jurisdiction of the Cable Division, Department of Commerce and Consumer Affairs, State of Hawaii.

No specific rules and regulations on pole attachment have been formulated by the Hawaii Public Utilities Commission. However, under Docket No. 4794, a complaint proceeding involving the pole attachment rates, terms and conditions by regulated utilities for cable television facilities. The parties to the proceeding reached a stipulated agreement. Attached is a copy of the Commission's Decision and Order in the docket.

If there are any questions to the foregoing, do not hesitate to contact this office.

Very Truly Yours,


Melvin S. Ishihara
Administrative Director

Attachment

Decision and Order No. 7926, Docket No. 4794

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)
PUBLIC UTILITIES COMMISSION)
OF THE STATE OF HAWAII)
Order of Investigation)
Regarding CATV Pole Attachment)
Charges)
_____)

DOCKET NO. 4794

DECISION AND ORDER NO. 7926

Filed May 10, 1984
At 8:20 o'clock A.M.

Bertha F. Kurosawa
Chief Clerk of the Commission

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

----- In the Matter of -----)	
PUBLIC UTILITIES COMMISSION)	
OF THE STATE OF HAWAII)	Docket No. 4794
Order of Investigation)	
Regarding CATV Pole Attachment) Decision and Order No. 7926	
Charges)	
_____)	

DECISION AND ORDER

Whereas, the Commission, pursuant to Order No. 7446, filed February 16, 1983 in the above entitled docket, initiated a generic investigation to develop a uniform formula for a pole attachment fee or charge to be made applicable to all public utilities;

Whereas, the parties to the docket, after lengthy discovery and negotiations have entered into a Stipulation and Settlement of the issues in this proceeding;

Now therefore, pursuant to said Stipulation and Settlement, filed April 30, 1984, the Commission makes the following ultimate findings and conclusions of law:

1. The yearly "per pole charge" of \$5.40 approved in prior proceedings, including Decision and Order Nos. 2667 and 3159, dated September 23, 1970 and November 13, 1973 respectively, should be increased in steps over a specific time period;

2. The current pole attachment charge shall be raised in accordance with the following schedule:

<u>Date</u>	<u>Effective Charge</u> (per pole)
June 1, 1984	\$5.60
June 1, 1985	\$5.80

The effectiveness of the \$5.80 charge shall be continued to October 1, 1986, at which time the parties shall review the appropriateness of the charge in light of then current conditions, provided that the \$5.80 charge shall thereafter remain in effect until changed by further Commission order.

3. The foregoing schedule of charges is in the public interest and provides the parties with a measure of certainty in their financial planning.

4. The foregoing schedule of charges are necessary, just and reasonable and in the public interest for both the cable television companies and the public utilities.

5. The terms and conditions of the Stipulation and Settlement, filed April 30, 1984, in the above entitled proceeding, attached hereto and made a part hereof, are just and reasonable.

IT IS THEREFORE ORDERED THAT:

1. Hawaiian Telephone Company, Kauai Electric Division of Citizens Utilities Company, Hawaiian Electric Company, Inc. Maui Electric Company, Ltd. and Hawaii Electric Company, Inc. shall increase their respective pole attachment charge for cable television companies as shown in the schedule noted in the Stipulation and Settlement, attached hereto and made a part hereof.

2. No increase in excess of the \$5.80 per pole attachment charge shall be made without the prior approval of the Commission.

3. The public utilities above-mentioned shall file their respective pole attachment agreements with the Commission to reflect the increase approved herein.

4. The companion Docket Nos. 4510 and 4856, are hereby dismissed as being moot.

5. The investigation in this docket being complete, this docket is closed.

DONE at Honolulu, Hawaii, this 10th day of May, 1984.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

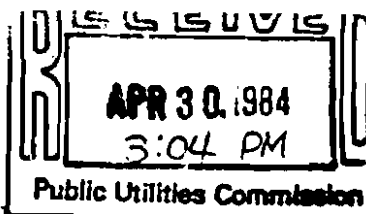
By Albert Tom
Albert Tom, Chairman

By Sunao Kido
Sunao Kido, Commissioner

By (EXCUSED)
Clyde S. DuPont, Commissioner

APPROVED AS TO FORM:

Harry S. Y. Kim
HARRY S. Y. KIM
Commission Counsel



BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF HAWAII

In the Matter of)	
)	
PUBLIC UTILITIES COMMISSION)	
OF THE STATE OF HAWAII)	
)	Docket No. 4794
Order of Investigation)	
Regarding CATV Pole)	
Attachment Charges)	
_____)	

STIPULATION AND SETTLEMENT

WHEREAS, this Docket was instituted by the Commission by Order of Investigation dated February 16, 1983;

WHEREAS, the Commission in Order No. 7446 stated that a generic investigation of CATV pole attachment fees and charges should be undertaken; and

WHEREAS, the parties to the proceeding have filed prehearing conference submissions as well as direct testimony and have reviewed their respective positions; and

WHEREAS, the parties believe that there is common ground among them to reach a settlement of this Docket by agreement to a future schedule of increases in pole attachment charges; now therefore

THE UNDERSIGNED PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:

1. The yearly "per pole charge" of \$5.40 approved in prior proceedings, including Decision and Order Nos. 2667 and 3159, dated September 23, 1970 and November 13, 1973 respectively, should be increased in steps over a specific time period;

2. The current pole attachment charge should be raised in accordance with the following schedule:

<u>Date</u>	<u>Effective Charge</u> (per pole)
June 1, 1984	\$5.60
June 1, 1985	\$5.80

The effectiveness of the \$5.80 charge shall be continued to October 1, 1986, at which time the parties shall review the appropriateness of the charge in light of then current conditions, provided that the \$5.80 charge shall thereafter remain in effect until changed by further Commission order.

3. The foregoing schedule of charges is in the public interest and provides the parties with a measure of certainty in their financial planning.

4. The parties agree to the listed charges in full settlement of all issues raised in their pleadings herein;

5. The parties agree to this Stipulation and Settlement as a reasonable compromise of their differing views and no agreement to any particular cost or allocation approach which may have been submitted in pleadings or testimony is intended or implied;

6. The parties request that the Commission accept this Stipulation and Settlement by order incorporating its terms and thereupon terminate this proceeding.

DATED: Honolulu, Hawaii, March 30 1984.

Wayne Minami

WAYNE/MINAMI

Attorney for HAWAII CABLE TELEVISION
ASSOCIATION

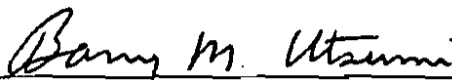
Donald J. Engleman

DONALD J. ENGLEMAN

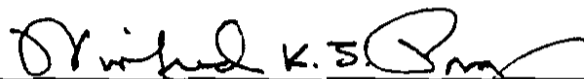
Attorney for HAWAIIAN TELEPHONE
COMPANY



ALAN M. OSHIMA
Attorney for KAUAI ELECTRIC DIVISION
OF CITIZENS UTILITIES COMPANY



BARRY M. UTSUMI
Attorney for HAWAIIAN ELECTRIC
COMPANY, INC., MAUI ELECTRIC COMPANY,
LTD. and HAWAII ELECTRIC LIGHT
COMPANY, INC.



WINFRED K. T. PONG
Attorney for CABLE TELEVISION
DIVISION, DEPARTMENT OF COMMERCE AND
CONSUMER AFFAIRS